UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/604,906	VON GROLL, GOETZ
	Examiner	**Art Unit**	
	Bai D. Vu	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 June 2010</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3 and 5-21</u> is/are pending in the application.
   4a) Of the above claim(s) <u>11-21</u> is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-3 and 5-10</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) <u>11-21</u> are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

6/24/2010 has been entered.

Response to Amendment

2.   Applicant has amended claims 1 and 9, and added new claims 11-21 in the

amendment filed on 6/24/2010. Claims 1-3 and 5-21 are pending in this office action.

Election/Restrictions

3.   Newly submitted claims 11-21 directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons:

Original claims 1-3 and 5-10 are directed to quantitative analyzing results from at

least two searches to produce a quantitative analysis, classified in class 707, and

subclass 771.

Newly added claims 11-21 are directed to processing and filtering the electronic

information received from a search result, classified in class 707, and subclass 754.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 11-21 withdrawn from consideration as

being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

4.   Applicant's arguments filed on 6/24/2010 with respect to claims 1-3 and 5-10

have been considered but are moot in view of the new ground(s) of rejection.

Regarding to the Applicant's Arguments:

- With respect to the applicant's argument asserted, on pages 7-10 of the

  Remarks filed on 6/24/2010 that neither Katz et al. (US Pub. No.

  2002/0174000 A1) nor Adler et al. (US Pub. No. 2003/0033295 A1) teach or

  suggest **analyzing the at least two searches to produce a quantitative**

  analysis related to said reputation management, wherein said

  quantitative analysis related to said reputation management is based on

  one or more of the following: counting articles obtained from the at

  least two searches, counting words in articles obtained from the at least

  two searches, counting mentions of a name in articles obtained from the

  at least two searches, and counting mentions of an issue in articles

  obtained from the at least two searches, as recited in independent claims 1

  and 9.

In response to the applicant's argument, the examiner respectfully disagrees because Katz et al. discloses the feature of **analyzing the at least two searches to produce a quantitative analysis related to said reputation management,** as (see e.g., ¶ 0039 lines 3-9; and ¶ 0053 lines 1-34; as performs quantitative and qualitative analysis on the data results (i.e., including inventory management, contract negotiations, purchasing recommendations, data optimization, supplier allocation, demand aggregation, spot market analysis, and market and news alerts, ¶ 0016), analysis services of collecting, analyzing and integrating data from data sources and databases); but may not be specific to the limitation of **wherein said quantitative analysis related to said reputation management is based on one or more of the following: counting articles obtained from the at least two searches, counting words in articles obtained from the at least two searches, counting mentions of a name in articles obtained from the at least two searches, and counting mentions of an issue in articles obtained from the at least two searches**. However, Alder et al. discloses the limitation which is not explicitly disclosed by Katz et al., as counting relevant words in the found respective documents (see e.g., ¶ 0042), wherein the documents referred as the articles.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Alder et al. teaching of filtering and analyzing searched result into Katz et al. system in order to provide the relevance of the

searched documents from the searched results using the technique of counting

the relevant words.

- With respect to the applicant's argument asserted, on page 10 that neither

  Katz et al. nor Adler et al. teach or suggest the added feature **assigning a**

  favorability classification to the articles, as recited in independent claims 1

  and 9.

  In response to the applicant's argument, the examiner respectfully agrees and

  reject the added feature using newly found prior art of Dutta (US Pat. No.

  6,789,076 B1) as addressed in this office action below.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1, 3, 5, 9 and 10** are rejected under 35 U.S.C. 103(a) as being

anticipated by Katz et al. (US Pub. No. 2002/0174000 A1), in view of Adler et al. (US

Pub. No. 2003/0033295 A1), and further in view of Dutta (US Pat. No. 6,789,076 B1).

As per **claim 1**, Katz et al. discloses **a method of quantitative analysis of**

communication performance for reputation management, as (see e.g., ¶ 0053 lines

2-4; as performs quantitative and qualitative analysis on the data results) **comprising**

the steps of:

   (i) performing a computerised set of at least two searches in a database or

a network containing articles, each search comprising an object of interest

related to said communication performance or objects to be compared to said

object of interest, as (see e.g., ¶ 0196; and ¶ 0204 lines 6-10; as searching, extracting

and transforming external data from a plurality of sources, such as databases and

Internet sources, interpreted as performing a set of at least two searches; and the

internal data and the external data interpreted as objects) **at least one search term to**

be searched in a publication and optionally one or more attributes concerning the

publication itself; as (see e.g., ¶¶ 0115 – 0116; as news stories interpreted as search

terms; and date, geographic location interpreted as attributes).

   (ii) analyzing the at least two searches to produce a quantitative analysis

related to said reputation management, as (see e.g., ¶ 0039 lines 3-9; and ¶ 0053

lines 1-34; as performs quantitative and qualitative analysis on the data results (i.e.,

including inventory management, contract negotiations, purchasing recommendations,

data optimization, supplier allocation, demand aggregation, spot market analysis, and

market and news alerts, ¶ 0016), analysis services of collecting, analyzing and

integrating data from data sources and databases).

   (iv) displaying the quantitative search results of analyses as graphs as (see

e.g., ¶ 0053 lines 10-19; and ¶ 0226).

However, Adler et al. and Dutta disclose the features which are not explicitly

disclosed by Katz et al., as the followings:

Adler et al. discloses:

wherein said quantitative analysis related to said reputation management is

based on one or more of the following: counting articles obtained from the at

least two searches, counting words in articles obtained from the at least two

searches, counting mentions of a name in articles obtained from the at least two

searches, and counting mentions of an issue in articles obtained from the at least

two searches; and, as counting relevant words in the found respective documents (see

e.g., ¶ 0042), wherein the documents referred as the articles.

Dutta discloses:

(iii) assigning a favorability classification to the articles; and as a graphical

user interface allows user to rank, rate and prioritize relevant documents as favorability

(see e.g., col. 9 line 64 to col. 10 line 1, col. 10 lines 13-20; and Figs. 3 and 4).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Alder et al. teaching of filtering and analyzing searched

result into Katz et al. system in order to provide the relevance of the searched

documents from the searched results using the technique of counting the relevant

words. Furthermore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to apply Dutta teaching of ranking or categorizing

searched results into Katz et al. and Alder et al. systems in order to provide a graphical

user interface to a user for manually ranking and prioritizing relevant documents and

web pages from the searched results.

As per **claim 3**, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 1 wherein said object of interest is a company, brand or product name or category, governmental or non-governmental organisation, person or issue of general interest or public policy** as (see e.g., ¶ 0040 lines 20-28).

As per **claim 5**, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 1, further comprising the step of evaluating the positive, negative, and neutral tone of voice concerning said object of interest or said objects to be compared to said objects of interest of a plurality of retrieved publications by manually evaluating a statistically chosen sub-set thereof** as (see e .g., ¶ 0041 lines 13-17; ¶ 0167 lines 1-7; ¶ 0169 lines 1-5; and ¶ 0172 lines 1-5).

As per **claim 9**, Katz et al. discloses **a method of quantitative analysis of communication performance of an entity,** as (see e.g., ¶ 0053 lines 2-4; as performs quantitative and qualitative analysis on the data results) **comprising:**

conducting a computerized search of publications stored in one or more electronic databases or accessible via a computerized network to identify one or more publications relating to the entity; as (see e.g., ¶ 0196; and ¶ 0204 lines 6-10;

as searching, extracting and transforming external data from a plurality of sources, such as databases and Internet sources, interpreted as performing a set of at least two searches; and the internal data and the external data referred as publications).

using a computer processor to assign each identified publication a quantitative weight value based upon attributes associated with the identified publication; as (see e.g., ¶¶ 0053 and 0114; as analysis services selects from one or more user-defined parameters for internal data and external data (i.e., from subscription sources, news sources, and other sources referred as publications), selecting values, value ranges, and/or conditions for the user-defined parameters, establishing weight(s) or relative weight(s) for the user-defined parameters, and/or prioritizing weight(s) or relative weight(s) for the user-defined parameters).

using the computer processor to analyze the identified publications and generate a quantitative analysis of the communication performance of the entity, as (see e.g., ¶ 0039 lines 3-9; and ¶ 0053 lines 1-34; as performs quantitative and qualitative analysis on the data results (i.e., including inventory management, contract negotiations, purchasing recommendations, data optimization, supplier allocation, demand aggregation, spot market analysis, and market and news alerts, ¶ 0016), analysis services of collecting, analyzing and integrating data from data sources and databases).

generating a graphic display of the quantitative analysis as (see e.g., ¶ 0053 lines 10-19; and ¶ 0226).

However, Adler et al. and Dutta disclose the features which are not explicitly

disclosed by Katz et al., as the followings:

Adler et al. discloses:

wherein the quantitative analysis is based upon the number of identified

publications, the word count of the identified articles, the weight values of the

identified articles, and a number of mentions of the entity in each identified

publication; and, which is not explicitly disclosed by Katz et al., as counting relevant

words in the found respective documents (see e.g., ¶ 0042), wherein the documents

referred as the publications.

Dutta discloses:

assigning a favorability classification to the articles; and as a graphical user

interface allows user to rank, rate and prioritize relevant documents as favorability (see

e.g., col. 9 line 64 to col. 10 line 1, col. 10 lines 13-20; and Figs. 3 and 4).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Alder et al. teaching of filtering and analyzing searched

result into Katz et al. system in order to provide the relevance of the searched

documents from the searched results using the technique of counting the relevant

words. Furthermore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to apply Dutta teaching of ranking or categorizing

searched results into Katz et al. and Alder et al. systems in order to provide a graphical

user interface to a user for manually ranking and prioritizing relevant documents and

web pages from the searched results.

As per **claim 10**, Katz et al. discloses **the method of claim 9, further**

comprising storing financial data concerning the entity in an electronic database,

as (see e.g., ¶ 0039 lines 41-51; and ¶ 0044 lines 25-28; as the internal and external

data are transformed and stored in Data mart including a plurality of databases and

database management systems) **wherein the stored financial data is used to**

generate the quantitative analysis of the communication performance of the

entity as (see e.g., ¶ 0039 lines 3-9; and ¶ 0053 lines 1-34; as performs quantitative

and qualitative analysis on the data results (i.e., including inventory management,

contract negotiations, purchasing recommendations, data optimization, supplier

allocation, demand aggregation, spot market analysis, and market and news alerts, ¶

0016), analysis services of collecting, analyzing and integrating data from data sources

and databases).

7.   **Claims 2 and 6-8** are rejected under 35 U.S.C. 103(a) as being anticipated by

Katz et al., in view of Adler et al., in view of Dutta, and further in view of Adler (US Pub.

No. 2002/0169658 A1).

As per **claim 2**, Katz et al., Adler et al. and Dutta do not explicitly disclose **the**

method of quantitative analysis of communication performance as set forth in

claim 1 wherein the quantitative analysis is displayed as a function of time.

However, Adler discloses as (see e.g., ¶ 0089).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Adler teaching of modeling and analyzing complex

strategic business decisions into Katz et al., Adler et al. and Dutta systems in order to

provide facilities to create, edit, and store decision contexts and scenarios persistently

to a database. This allows models and scenarios to be retrieved and updated and

refined for recurring use, allowing prior decisions to be revisited in light of current

market data and learning from experience. The accuracy and credibility of simulated

outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶

0049).

As per **claim 6**, Katz et al., Adler et al. and Dutta do not explicitly disclose **the**

method of quantitative analysis of communication performance as set forth in

claim 1, further comprising the step of counting and mapping frequency of most

relevant words concerning said object of interest or said objects to be compared

to said objects of interest of a plurality of retrieved publications by plotting most

relevant words in conjunction with change of occurrence over time.

However, Adler discloses as (see e.g., ¶ 0089).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Adler teaching of modeling and analyzing complex

strategic business decisions into Katz et al., Adler et al. and Dutta systems in order to

provide facilities to create, edit, and store decision contexts and scenarios persistently

to a database. This allows models and scenarios to be retrieved and updated and

refined for recurring use, allowing prior decisions to be revisited in light of current

market data and learning from experience. The accuracy and credibility of simulated

outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶

0049).

As per **claim 7**, Katz et al., Adler et al. and Dutta do not explicitly disclose **the**

method of quantitative analysis of communication performance as set forth in

claim 1, wherein analyzing the at least two searches further comprises taking into

account additional data including data being provided from a different source

than said database or network of articles, the additional data facilitating

normalization of the quantitative analysis and comparisons between the objects

in the quantitative analysis. However, Adler discloses as (see e.g., ¶¶ 0032 and 0076;

and Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Adler teaching of modeling and analyzing complex

strategic business decisions into Katz et al., Adler et al. and Dutta systems in order to

provide facilities to create, edit, and store decision contexts and scenarios persistently

to a database. This allows models and scenarios to be retrieved and updated and

refined for recurring use, allowing prior decisions to be revisited in light of current

market data and learning from experience. The accuracy and credibility of simulated

outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶

0049).

As per **claim 8**, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 7, wherein said data being provided from a different source relates to financial data of company, product line, marketing and PR budget** as (see e.g., ¶ 0040 lines 9-28).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Witbrock US- 2003/0078914 A1

Contact Information

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bai D. Vu whose telephone number is 571-270-1751. The examiner can normally be reached on Mon - Fri 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached on 571-272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bai D. Vu/
Examiner, Art Unit 2165
8/10/2010